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ABSTRACT

This report provides background information and questions for discussion of special education policies by Ohio state legislators. Background information notes that approximately 10 percent of children, both nationally and in Ohio, receive special education services at an estimated cost in Ohio of $1.2 billion. Issues of compliance with federal law and funding equity between poorer and wealthier districts are raised. Sources of funds are specified, along with distribution of funds and alternatives to the present distribution methods. Also addressed is the issue of inclusion and positive and negative implications of inclusion's effect on children's exposure to diversity, their preparation for the future, their academic experiences, and social and behavior changes. The report also considers the effect of inclusion on schools and districts and supports a continuum of possible placements rather than a blanket policy of inclusion. Some preliminary data on the longterm outcomes for students in special education are also reported. Five specific policy questions are raised, addressing: (1) the long-term goals for special education; (2) the most effective allocation of limited resources; (3) implications of limiting educational services for children with disabilities; (4) restructuring of the regular/special education system; and (5) evaluating educational services for effectiveness. Appendices include additional detail on due process procedures, school district expenditures by size and income, various funding distribution methods, and the status of inclusion. (Contains 50 references.) (DB)

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ED 393 258

Special Education Issues For Discussion: Funding, Inclusion, and Impact

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The Legislative Office of Education Oversight (LOEO) serves as staff to the Legislative Committee on Education Oversight. Created by the General Assembly in 1989, the Office evaluates education-related activities funded wholly or in part by the state of Ohio.

This report provides background information and initial quesions for a discussion of special education policies.

SUMMARY

Special Education Issues for Discussion: Funding, Inclusion, and Impact

This Legislative Office of Education Oversight report provides background information and initial questions for a discussion of special education policies

Background and Funding

Approximately 10% of children, both nationally and in Ohio, receive special education services. In Ohio, children with disabilities are educated at the estimated cost of $1.2 billion in combined federal, state, and local funds. The number of Ohio children served by special education has risen steadily since 1977. The total number of children in public schools has dropped in that same time period. The portion of spending on special education instruction increased by 62% between 1981 and 1993. The portion for regular education instruction increased by 10% in that time. As the number of children who need special education services continues to rise, the costs of serving them also increases.

Beginning in 1975, the federal government mandated how states were to serve children with disabilities with Public Law 94-142. This law was written as if there were no limits to funding or other resources. Federal procedures specify how children with disabilities must be identified and placed, however, the federal government currently provides only about 8% of Ohio's $1.2 billion estimated cost for special education.

Federal requirements state that for each child with disabilities, the school districts must provide a free and appropriate education tailored to the child's individual needs in the least restrictive environment, conduct an elaborate and expensive evaluation of the child's needs, create an individual education program (IEP) specifying what services will be delivered, and guarantee procedural safeguards for parental participation in decisions regarding the child's education. Due process procedures ensure that any disagreements between parents and the school district are resolved.

The $1.2 billion figure for Ohio's special education is an underestimate because it does not account for services provided to children with disabilities by regular classroom teachers. At least half of all special education students spend some time in the regular classroom. Furthermore, this estimate does not include the costs of conducting evaluations, developing IEPs, and the due process procedures which can lead to litigation.

Of the $1.2 billion, approximately $519,000 (43%) is specifically earmarked in the state budget. The remaining "local" share is actually made up of both state and local dollars as districts spend some of their state basic aid on special education services.

Ohio allocates its earmarked state funds on a "unit" basis--a system that has been in place since 1945. Each district identifies its children by disability category. Children within the same category are grouped together into a "unit." The state contributes about the same amount of money to each unit, regardless of the type of disability. The number of children allowed in each unit depends on the disability category.

During FY 1993, Ohio school districts (excluding two very small island districts) reported spending between $40,000 and $60 million, or from less than 1% to nearly 18% of their budgets, on special education instruction. Expenditures to educate individual children with disabilities vary widely. Researchers estimate that the average per-pupil expenditure for special education is about 2.5 times that of regular education.

Just as types and degrees of abilities and disabilities vary from child to child within districts, concentrations of children with specific disabilities and the services required to meet their needs vary from district to district. Furthermore, funding equity issues are magnified by special education conditions. LOEO found that paying for special education services takes a larger share of poor districts' budgets than of wealthy districts' budgets.

If a state is out of compliance with federal law, the federal government can withhold special education funds and families can sue the state. If a court rules that services have not been provided, consequences could include losing federal funds, incurring expensive court costs, and being required to provide the special education services mandated by federal regulations.

Inclusion

As states and local school districts struggle to meet federal and state requirements for providing special education, they must also consider whether to include children with disabilities in regular classroom settings. The "least restrictive environment" provision of the federal law mandates that, to the maximum extent appropriate, children with disabilities must be educated alongside their nondisabled peers. This is often called "inclusion," and it is a hotly debated topic. Because there is no legal definition, in this report "inclusion" is used to mean keeping children with disabilities in the regular classroom and bringing support services to them, rather than

removing children from the classroom or school and taking them to the support services.

Many of the arguments about inclusion refer to "full inclusion" –a blanket policy for including all children with disabilities in regular classrooms all of the time. Opponents of inclusion primarily oppose "full" inclusion, believing instead that inclusion should remain as one option for placing children with disabilities. The American Federation of Teachers polled its members and found that the majority of classroom teachers oppose full inclusion.

This report discusses five possible outcomes of inclusion. It describes the positive and negative implications of inclusion's effect on children's exposure to diversity, their preparation for the future, their academic experiences, and social and behavior changes in the classroom. It also describes the effect of inclusion on schools and districts.

The majority of literature reviewed by LOEO supports inclusion as one of a continuum of possible placements and not a blanket policy for educating all children with disabilities. Having a continuum of placements available is particularly important in light of the varying needs of children and the federal mandate to consider each child individually.

Research literature shows that inclusion works best with appropriate support staff and resources. Among the specific support services that foster inclusion are: access to school buildings and necessary resources; common planning time for special and regular educators; staff training before inclusion begins; positive attitudes and a full understanding of why inclusion is being implemented; teacher representation in decision making at local, regional, and state levels; and reallocation of resources to pay for initial costs of inclusion. Some districts have more financial resources than others. It is nearly impossible for districts without adequate funds to implement successful inclusion.

Impact

The graduates of the first special education programs implemented under federal law are now adults, yet there is limited research to address the question: What long-term impact has special education had on its students?

Ohio has recently initiated Project Life, a five-year federally funded effort to "improve the transition from school to adult life of youth with disabilities." The project's mission includes creating a database to track Ohio graduates of special education programs, so in

several years there may be more specific Ohio information to address this question.

LOEO reviewed current data from other states on the graduates of special education programs. Although there is no explicit expectation that children with disabilities will perform at the same level as their nondisabled peers, comparative research from a national study suggests that: 43% of youth with disabilities attend a post-secondary institution within three to five years after graduation, while 88% of youth in the general population do so within the same time period; 57% of youth with disabilities are employed three to five years after graduation compared to 69% of the general population; and 37% of youth with disabilities live independently three to five years after graduation, compared to 56% of the general population. Furthermore, children whose special needs generate the most costs are the least likely to become employed and independent adults.

Policy Questions

1. What are the long-term goals for special education?

In 1990, the Ohio Department of Education, with input from various stakeholders, developed a mission statement for special education:

> The mission of special education for students with handicaps is to prepare each of them to be a contributing member of society by providing high-quality programs, research, and services designed to develop academic, citizenship, and career/life skills that lead to independence as adults.

Policy discussions of special education should include whether this is the most appropriate special education goal for Ohio's future. A further issue is what criteria to use in deciding upon the best goals for special education. Some would argue for fiscal criteria, asking whether special education provides a good return on its financial investment. Others would argue for moral criteria, asking about the ethical implications of limiting or expanding services to children with disabilities.

Until 1976, children with IQs below 70 or who were not toilet-trained could be legally excluded from attending school in Ohio. As a result of federal law passed 20 years ago, public schools are required to provide education services to all disabled children. The cost of providing these services is growing steadily. Policy makers are now faced with fiscal and moral questions regarding the education of children with disabilities.

2. **With limited resources, how can the needs of all students be met?**

The current public policy, as directed by federal mandate, is to serve children with disabilities without regard to cost. As a result, different groups of children compete for limited resources in the public school system. First, the needs of children in regular and special education compete as school districts struggle to comply with federal and state laws. Second, within special education, children who have severe disabilities compete for services with children who have mild disabilities. Third, the special education of gifted children is not guaranteed by federal and state law, so these students compete for state and local resources.

3. **What are the implications of limiting educational services for children with disabilities?**

If children with disabilities are not identified and served by schools so they function at the highest level possible, the costs to society may be greater in the long run. For example, the funds used to help a child learn to read, walk, or feed himself save the greater cost of full-time custodial care over a lifetime. Money spent out of the education budget now may save money from other public sectors in the future.

4. **How can we design a system of education that serves the needs of all children?**

Many critics of special education say that it has evolved as a separate system of education. The special education teachers have separate certificates valid only for educating certain students. The children with disabilities are often served in segregated settings. Special education is governed by separate laws and rules, and is administered separately. How can we meet the unique needs of children with disabilities and yet maintain one system that serves all children and allows them to learn together?

5. **How can we effectively deliver education to children with disabilities if we do not know what is "effective"?**

There are limited data on the outcomes of special education in Ohio and across the nation. Although the state is identifying children with disabilities, and planning, providing, and paying for their education, there is no agreement on what measures indicate whether these current methods are effective.

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CHAPTER I
INTRODUCTION

The Legislative Committee on Education Oversight asked the Legislative Office of Education Oversight (LOEO) to present information about special education as background for a policy discussion. Committee members identified three main areas for LOEO to investigate:

- Financial issues: How is special education funded and at what cost?
- Inclusion: What is inclusion and why is it a major issue in special education today?
- Impact: What are the long-term effects of special education?

This LOEO report provides information on each of these issues and identifies policy questions that could be addressed. To prepare this report, we reviewed the research literature and consulted state and national officials, advocacy groups, and research institutes. A selected bibliography is in Appendix A. LOEO also interviewed superintendents of four Ohio school districts to understand the impact of special education policies at the district level.

The primary focus of this document is the special education of school-aged children with disabilities. Federal law also requires public schools to serve preschoolers ages 3 to 5 with disabilities. In Ohio, the education of children who are gifted is technically part of special education. Ohio law requires school districts to identify gifted children, but does not require districts to serve them. Because of the ways in which local districts report special education spending, in some cases it is not possible to separate the costs of special education programs for school-aged children and preschool children from those for children who are gifted.

Approximately 10% of children, both nationally and in Ohio, receive special education services. In Ohio, children with disabilities are educated at the estimated cost of $1.2 billion in combined federal, state, and local funds. A variety of federal grants and over 6,000 organizations distribute federal, state, and private funds to children with disabilities and their families. This report, however, focuses only on funds that flow through schools.

History of Special Education

Some children who were hearing impaired were first served by Ohio's system of education in 1822. By 1913, some children with other disabilities were also being served under state guidelines. School districts were assigned the responsibility of operating special education programs and were reimbursed by the state on a per-pupil basis. Unit funding for special education programs was instituted in Ohio in 1945 and is still in place today. This method of distributing funds has encouraged school districts to serve children by disability category. Children with the same disability are grouped together. Each of these groups is a unit.

County boards of Mental Retardation and Developmental Disabilities (MR/DD) have been serving children with mental retardation in segregated settings since the 1920s. The MR/DDs began serving these children because, until about 30 years ago, children with IQs below 70 or who were not

toilet-trained could legally be excluded from attending school in Ohio.

Beginning in 1972, the Ohio General Assembly increased the state's control of how special education programs were provided by requiring school districts to submit to the Ohio Department of Education (ODE) their plans for identifying and placing children with disabilities. In addition, these plans were to specify how the programs would be supervised and staffed.

Beginning in 1975, the federal government mandated how states were to serve children with disabilities. Federal Public Law 94-142, the Education of All Handicapped Children Act, required states to develop free and appropriate public education programs in the least restrictive environment for all children with disabilities. In 1976, Ohio amended Chapter 3323 of the Revised Code to comply with the new federal law and to ensure the state's eligibility for federal special education funds.

Public Law 94-142 was reauthorized in 1990 as the Individuals with Disabilities Education Act (IDEA). It is currently in the process of another reauthorization to be completed in 1995. The United States Department of Education reports that the 1995 reauthorization may contain additional language regarding discipline policies for children with disabilities and guidance for school districts practicing inclusion of these children into regular classroom settings.

Current Federal Requirements

Federal regulations require that children with disabilities be identified and served. States not only have to provide special education services; they must do so within all of the "how to" regulations of the federal government. The Office of Special Education Programs (OSEP) within the United States Department of Education must approve the plans submitted by the states.

OSEP also conducts on-site monitoring every three to four years to determine whether states are in compliance with federal law. Ohio was last reviewed in September 1994. The findings of that review were not available as of January, 1995 when this report was written.

Provisions of the Individuals with Disabilities Education Act

Major provisions of P.L. 94-142 that remained in the Individuals with Disabilities Education Act and will presumably remain in the 1995 reauthorization include:

A free and appropriate public education must be provided to children with disabilities at no cost to their parents; it must be personalized based on the needs of each individual child.

Least restrictive environment guarantees that "to the maximum extent appropriate," children with disabilities will be educated with nondisabled children. School districts must provide a full range of possible placements. These range from the regular classroom with minimal support services, the least restrictive environment, to a residential or hospital setting, the most restrictive environment.

A multi-factored evaluation determines whether the child has a disability. The evaluation is conducted by a team of people with different expertise, such as a

psychologist, an audiologist, or a speech therapist. The United States Department of Education reports that the average cost of one of these evaluations was $1,206 in 1988.

An Individualized Education Program (IEP) must be written for each child with disabilities. The IEP is developed by a group of people (including one or both parents) who know and understand the child and her strengths and weaknesses. The IEP includes:

- a detailed description of all services to be delivered to the child;
- annual goals and short-term objectives;
- a description of the child's current level of educational performance;
- the extent to which the child will be able to participate in regular education classes;
- projected date for when the services will begin, and how long they will be provided; and
- evaluation procedures and criteria for determining whether objectives were achieved and whether the placement is appropriate.

Federal procedures specify how the child must be identified and placed. In addition, four due process steps ensure that any disagreements between parents and schools are resolved. Those required by federal law include: an impartial due process hearing; a state-level review; and appeal to the courts. Ohio law allows for mediation. This process can be very time-consuming and expensive and requires educators and parents to be familiar with the legal system. Appendix B describes the four steps of the due process procedures.

Procedural safeguards also guarantee that parents of children with disabilities may examine all records relevant to the identification, evaluation, and placement of the child. They also have the right to seek an outside evaluation of their child if they are not satisfied with the one that took place through the school process.

Complying with federal law

If a state is out of compliance with federal law, the federal government can withhold special education funds. The federal government cannot file suit against a state. However, sources at the Office of Special Education Programs noted that families could sue school districts and the state for not providing "appropriate" educational services to their children. If the court rules that services have not been provided, consequences for the state or school district could include losing federal funds, incurring expensive court costs, and being required to provide the special education services mandated by the federal regulations.

OSEP sources also note that the federal monitoring of a state not complying with federal regulations would be more frequent and complicated. An example of the consequences of noncompliance is in Appendix C.

Special Education in Ohio

The responsibility of operating special education programs belongs primarily to city, exempted village, and local school districts. The number of Ohio children served by special education has risen steadily since 1977. The total number of

children in public schools has dropped in that same time period. By law, all children over age five who are disabled must be identified in terms of a disability category. Exhibit 1 reports the number of school-aged children served in each disability category in Ohio during the 1993-94 school year.

Most Ohio children with disabilities are receiving special education services in the school district in which they live. Approximately 10% of Ohio's children with disabilities receive services in other school districts, county boards of education, or county boards of Mental Retardation and Developmental Disabilities (MR/DD). The 88 MR/DD boards receive 36% of their funding from the state, 62% from local tax levies, and 2% from the federal government.

Exhibit 1
Ohio Children with Disabilities by Category
(Ages 6-21)

Disability Category	Number of Children
Mental Retardation	45,617
Hearing Impairment	2,280
Speech or Language Impairment	50,885
Visual Impairment	978
Serious Emotional Disturbance	10,579
Orthopedic Impairment	2,258
Other Health Impairment	2,158
Specific Learning Disability	77,875
Deaf-Blind	16
Multiple Disabilities	10,677
Autism	136
Traumatic Brain Injury	69
Total	203,528

Source: Ohio Department of Education December 1, 1993 submission to OSEP, U. S. Department of Education.

When the federal law mandating how children with disabilities be served was enacted in 1975, Ohio's governance system for special education was out of compliance. Although most children with disabilities were served by public schools reporting to the State Board of Education, as noted, some children were attending separate county MR/DD schools. These schools reported to the Ohio Department of MR/DD. The county MR/DD schools were automatic

placements for some children with disabilities.

There was a brief delay in receiving federal funds until Ohio legislation made the State Board of Education the only agency responsible for education programs for school-aged children with disabilities. Although some children still attend MR/DD schools, those placements are determined by local school districts.

The State Board of Education is required to establish standards for special education and related services. The Ohio Department of Education provides technical assistance to school districts by supporting 16 Special Education Regional Resource Centers (SERRCs) to help parents, school districts, county boards of education, MR/DD boards, and other agencies carry out special education requirements.

CHAPTER II
SPECIAL EDUCATION FUNDING

When the first federal special education law was passed nearly 20 years ago, the language was written as if there were no limits to funding or other resources. Although the federal government is capable of borrowing money to meet its financial needs, the state is required by the Ohio Constitution to balance its budget. Similarly, school districts have legal constraints on borrowing to balance their budgets. Entities from both inside and outside education compete for limited funds from all levels of government. An increase in funding for special education can only occur if spending on other programs decreases or the income of some level of government (federal, local, or state) increases.

The percentage of Ohio children served by special education has risen steadily since 1977, the first year for which data were available. While the total number of school-aged children has dropped, the number of children receiving special education has slowly increased. In 1977, of 2.4 million school-aged children, approximately 183,000 (8%) received special education services. In 1993, of 2 million school-aged children, approximately 204,000 (10%) received special education services.

Spending for instruction (teachers' salaries and benefits) for all children takes a larger share of the total education budget than it once did. However, the portion of spending reported as "special education instruction" increased by 62% (from 5.3% to 8.5%) between 1981 and 1993, while the portion for "regular education instruction" increased by 10% (from 40.6% to 44.6%). As the number of students who need special education services continues to rise, the costs of serving them will increase.

How Much Is Spent for Special Education?

Statewide, $734,882,284 was spent in FY 1993 for special education instruction. Research shows instruction cost to be about 60% of the total cost of education for all children. Using these numbers, LOEO estimates that more than $1.2 billion of combined federal, state, and local funds were spent for special education in FY 1993. This estimate may be very low. It does not include any services provided by regular classroom teachers, yet at least half of all special education students spend some time in a regular classroom. Further, special education requirements such as evaluations, individual education programs, and due-process procedures increase non-instructional costs.

Expenditures to educate individual children with disabilities vary widely. Researchers estimate that the average per-pupil expenditure for special education is about 2.5 times that of regular education. An Ohio district superintendent illustrated the range of needs and spending. In 1992, his district spent an average of $3,844 per pupil for regular education and $8,678 for special education. The district spent an average of $14,257 for each of fifty-three children classified as multihandicapped; it spent an average of $1,086 for speech therapy for each of nearly five hundred children. Many of the students receiving speech therapy spent most of their school days in classes taught by regular teachers.

When reviewing the cost of special education, it is important to consider that money spent on educating children with disabilities will reduce society's costs of caring for adults with disabilities. Teaching independent-living skills to children with severe and multiple disabilities may enable them to eventually live in a group home, instead of a more expensive facility that provides total care. Teaching a mildly retarded child social and job skills may enable him to be employed, thereby reducing his dependence on society.

What Funds Come from Federal, State, and Local Sources?

School districts use funds from federal, state, and local sources to provide services to children with disabilities. The size of the share contributed by each level of government varies from district to district within the same year, and statewide and nationwide, from year to year. In the last five years, federal funds have accounted for between 7% and 9% of money spent nationwide for special education.

Federal funds

In FY 1993, the federal government spent approximately $2 billion for special education across the nation. Ohio's budget act for that year contained $90 million in pass-through money designated to provide education exclusively for children with disabilities.

From this money, districts received $319 for each identified child. The remainder of these funds supported services in MR/DD units and state institutions for the deaf and blind, preschool programs, and personnel development.

These funds contributed about 8% to the total spent on special education in Ohio.

State education agencies must pass through 75% of federal funds to districts. They may spend 5% for state-level administration and 20% for support services, state monitoring, and compliance reviews of district programs.

State and local educators point out inconsistencies between federal policy and federal actions. Although the United States Department of Education insists there be no ceiling to services that must be provided by districts, it will not contribute special education funding for more than 12% of a state's school-aged population. Districts must identify and serve all children with disabilities, but if a district identifies so few children that it would receive less than $7,500 in federal funds, it is ineligible for federal funds unless it joins a service-providing cooperative.

State funds

State funds budgeted exclusively for children with disabilities totaled $518,793,990 in FY 1993. This figure is approximately 43% of Ohio's special education cost. In addition, funds from other education line items contribute to the provision of services to special education students.

Exhibit 2
Am. Sub. H.B. 298 Budget Act Line Items Designated for Special Education In 1993

Line Number	Name of Line Item	Amount
GRF 200-504	Special Education (mostly for unit funding)	$427,195,098
GRF 200-506	Special Education Aides Multiply Handicapped	189,317
GRF 200-577	Preschool Special Education	34,790,769
GRF 200-552	County MR/DD Boards Vehicle Purchases	1,072,310
GRF 200-553	County MR/DD Boards Transportation	5,546,796
017 200-671	Special Education (from lottery profits)	50,000,000
	Total	$518,793,990

Local funds

ODE's Division of Special Education was unable to report how much of the money spent statewide to educate children with disabilities was provided by local taxes. Of the estimated $1.2 billion spent on special education in FY 1993, approximately $609 million was earmarked in federal and state sources. It seems logical to assume that the remaining $591 million came from local sources. However, "local" money for special education is actually a combination of state basic aid, local property taxes, and local income taxes. The portion of special education expenditures that comes from local sources varies from district to district.

What Is the Range of Special Education Spending Across Districts in Ohio?

Districts are required by ODE to report spending on "special education instruction" and on "regular instruction." "Instruction" primarily includes teacher salaries and benefits. For expenditures other than teacher salaries, districts do not sort each dollar spent into the discrete categories of special and regular education. For example, a school nurse's salary is reported as a portion of support services; there is no indication of how much of the nurse's time was spent with any particular group of students. As noted earlier, numbers that represent spending on special education instruction reflect only a portion of education spending for the children who have disabilities.

The most recent reports of district expenditures are for FY 1993. During that year, Ohio districts (excluding two very small island districts) reported spending between $40 thousand and $60 million on special education instruction. Because school districts vary in size and resources, it is helpful to examine not only the actual amounts spent on special education, but the percentages of district budgets spent on special education.

In FY 1993, Ohio school districts spent anywhere from less than 1% to nearly 18% of their total budgets on special education instruction. Of the money spent exclusively for instruction, districts devoted from less than 1% to 33% to special education.

When LOEO staff ranked all districts by the percentage of the districts' funds spent on special education instruction, we found a pattern in the distribution. Urban, inner city, and poor rural districts more frequently spent larger shares of their budgets on special education than did other types of districts. Few wealthy suburbs spent as much of their budgets on special education. (See Appendix D.) These spending patterns reflect the correlation between poverty and concentration of children with disabilities found by other researchers.

Funding equity issues are magnified by special education conditions. Districts have limited financial resources and at the same time are required to provide all needed services to special education students. Paying for similar special education services takes larger shares of poor districts' budgets than of wealthy districts' budgets.

Funding Equity

Funding equity issues are magnified by special education conditions. For example, if computer-assisted communication is the only way a child can communicate, her IEP will probably require it. After providing a $5,000 computer and soft-ware, a poor district with $10,000 in its computer budget has only $5,000 remaining. A wealthier district with the same number of students, but with a $50,000 computer fund will have $45,000 remaining.

Just as types and degrees of abilities and disabilities vary from child to child within districts, concentrations of children with specific disabilities and the services required to meet their needs vary from district to district. For example, one district might serve a child who needs speech therapy a few hours a week. In that district, another child could need daily tutoring from a specialist because of his learning disabilities. The district's children might include a child with a severe behavior disorder who needs constant monitoring by an aide to prevent his inflicting physical harm to himself or others. He may also need a classroom shared with fewer than five students, weekly consultation with a psychologist, modified academic lessons, and special transportation to and from school.

Conditions unique to a specific district can affect the number of children who receive special education. For example, one superintendent LOEO interviewed explained that in his small district, a local physician designates most pregnant teenagers as having a medical disability that makes it necessary for them to receive the services of visiting teachers. This increases that district's special education costs.

One district superintendent in an affluent suburb pointed out that even when a district has above-average resources, the wide variation in needs of special education students makes long-term planning difficult. If a child with expensive needs moves into the district, budgets must be modified to meet those needs.

The superintendent said, "The most difficult part about special education--and the thing I would like legislators to understand--is that it is just impossible to plan for it. The way it occurs, tomorrow somebody could move into your district and cost "a million" dollars. That is a problem. Not that the family moved in, but that here they are, with a kid with all kinds of needs, and you may not have the money to serve them."

How Does Spending on Special Education Affect Regular Education?

Some researchers and educators say that most school districts are inadequately funded. They assert that if adequate funds are provided for all schools, all children, including those with disabilities, will benefit. Other education writers and researchers maintain that the current regular education system evolved to meet the needs of average children. When social forces and federal mandates compelled states to meet the needs of children with disabilities, special education evolved as an almost separate system. As a separate system, special education competes for dollars with regular education.

In Ohio, the percentage of expenditures devoted to special education instruction has increased, while the percentage for regular instruction has decreased proportionally. In FY 1980, special education accounted for 12% of all money spent for instruction, and regular instruction was 88%. In FY 1993, special education had increased to 16% of spending for instruction, and regular instruction decreased to 84%.

Federal

The federal government provides very little (about 8%) of the money for special education, and even less for regular education. However, its provision of some money for special education enables the state and districts to direct more resources to regular education.

State

At the state level, ODE includes funding for special education in its budget request to the General Assembly. Because students with disabilities are served by "units," ODE bases its request for special education funds on the number of units that currently exist, a projection of units that will be created from children in preschool programs, and the level of funding provided in previous years. The General Assembly decides how much of the request for special education line items to grant. For special education, it decides how many units will be funded, and how much money each unit will receive.

Concurrently, legislators must decide how much to allocate for all other items in the budget request. There is not a consistent formula to determine budget allocations. When state resources are insufficient to meet the budget, special education line items usually are reduced at the same rate as all other education line items. However, in 1994, when the education appropriations from Am. Sub. H.B. 152 received "across-the-board" cuts, basic aid was not reduced, while the special education and most other line items were reduced by 1.1%.

District

At the district level, the effect of special education costs on spending for regular education depends largely on how much local money is available. District superintendents interviewed by LOEO described a financial struggle to meet the needs of all children. Under federal law, how much a district spends on special education ideally would be determined by the needs of the individual children with disabilities in the district. Two of the superintendents stated that in determining the district budget, they did not prioritize categories of children. They stated that they tried to meet the needs of all their students, and recognized that some children simply cost more to serve.

However, meeting the needs of all of a district's children is accomplished within the constraints of limited funds. Two other superintendents said that federal and state law have forced special education to be a priority as they determine the district budgets.

Another superintendent said, "There is never enough money to do everything. We have had to cut back on some reading programs for regular education in order to serve all of our special education kids. . . I guess the most common or most likely cutback on regular education in order to meet the needs of the special education requirements is that we have larger classes."

A District Example

In one district, each special education classroom contains a VCR, a tape recorder, a television, and one or more computers. Each special education teacher has constant access to this equipment. In the rest of the building, all of the regular classroom teachers and students must share one VCR, one television, and one computer.

What Control Do the State and Districts Have over Spending for Special Education?

The federal government contributes about 8% of the total amount of funds spent on special education in Ohio. Yet federal law requires not only that students with disabilities be served, it regulates how and sometimes where they are educated. Some policy makers wonder what would happen if Ohio refused federal money. A representative of the U.S. Department of Education told LOEO that the state and districts would still be required to obey the federal law. If they did not, both state and local education agencies would probably be sued by parents of students with disabilities. Judgments of those lawsuits would probably include requirements to provide the services mandated by federal law, pay legal costs of the plaintiffs, and pay compensatory damages.

State-level special education funding decisions affect district-level policies. The General Assembly is not required to allocate a certain portion of the state budget for special education. Although the number of units funded by the state has increased (from 11,298 in 1983 to 12,189 in 1993), the legislature does not provide funds for all needed units. In 1993, an additional 848 units were funded by local school districts.

Districts must implement special education according to federal and state law, regardless of the level of state funding. Advocates of children with disabilities contend that lack of funding leads to under-identification of children and withholding of needed services. These advocates feel that the limited control exerted by some districts is contrary to the intent of federal law.

One way districts can legally control costs is to form cooperatives to educate children with disabilities that occur infrequently. For example, in most districts, enough children have specific learning disabilities to form at least one unit. It would be unusual for a small district to

have enough children who were blind to form a unit. A district with only one or two blind students might join a cooperative to share expenses. Some advocates of children with disabilities feel that providing services outside the setting of a child's neighborhood school contradicts the least-restrictive-environment provisions of federal law.

Although not within legal guidelines, another way that a district might control how much it spends on special education is to avoid identifying children with disabilities. Districts can limit who is evaluated, when, and, to some extent, the outcome of the evaluation. Moreover, the district may label the child with a disability for which there is already a state-funded unit.

Districts can also limit the content of children's IEPs and recommend the least expensive services. Advocates say districts often recommend less expensive services than are needed, and that members of the group developing an IEP may wish to avoid repercussions from supervisors and co-workers by developing plans with less costly services and supports.

Federal law requires that the IEP include all necessary services to provide an "appropriate" education. Assertive parents or special education personnel are usually successful if they persist in requesting that an IEP contain specific services or equipment. If an IEP team decides that a student must have a particular kind of computer or a full-time nurse, the district must make provisions or participate in due process hearings that can culminate in an expensive lawsuit. Most districts realize it is not cost effective to continue to challenge requests for specific IEP components.

Courts have said that a district can base decisions on costs of specific services. For example, if a student's IEP calls for individual instruction in math skills, the district might assign as the tutor a first-year teacher who is paid half the salary of a more experienced math specialist. If the parents are displeased with the district's selection of the math tutor, they have the option to use due process procedures to force the district to change the tutor. The parents would probably be unsuccessful in this attempt, because the district meets the requirement of the IEP.

How Are Special Education Funds Distributed?

The amount of money available to each school district depends primarily on its property tax value. Federal and state special education funds, however, are distributed without regard to a district's wealth.

Distribution of federal funds

Distribution of special education federal funding to individual states is based on a national average per-pupil expenditure for all children. Federal law "entitles" each state to receive an amount equivalent to 40% of the national average per-pupil expenditure, multiplied by the number of special education students in the state. Since the federal allocation is insufficient to provide 40% of the average cost of educating a child, the amount is reduced. Currently, federal funding is based on about 9% of the national average per-pupil expenditure.

State unit funding

Ohio districts are allocated state funds for special education on a "unit" basis. Each district identifies its children by disability

category. Children with similar disabilities are grouped together in a "unit." The state contributes about the same amount of money to each unit, regardless of the type of disability. The number of children in a unit depends on their disability category.

Children in state-funded units are not considered part of the districts' average daily membership (ADM) when basic state foundation money is calculated. Instead, for each unit of children with disabilities, the state provides:

- An amount equal to that which the unit teacher would be paid if the district adhered to the state minimum salary schedule. (Fewer than 10 districts in the state use that schedule.) A district gets more for a unit taught by an experienced teacher with advanced education than for one taught by a recent graduate. However, the amount the state provides for salary almost never is sufficient to pay the entire cost of the unit's teacher.
- An additional amount equal to 15% of that teacher's salary to offset the expense of benefits; and
- A "unit allowance." In FY 1993 this unit allowance was $8,023. In most districts, this allowance contributes to the unit teacher's salary.

In some biennial budgets, the legislature has included line items for special education aides in multihandicapped (MH) units. In school year FY 1993, each MH unit received $928.75 to use for aides' salaries.

Another kind of state-funded unit pays for supervisors, speech and hearing services, occupational and physical therapists, or special education coordinators. For these units, the state provided the state-minimum teacher salary, an additional 15% for benefits, and an allowance of $2,132 in FY 1993.

Local fund distribution

Ohio school districts do not have standard distribution formulas. Each district determines its own budget. Collective bargaining agreements often affect a district's spending priorities.

What Are the Alternatives to the Present Distribution Methods?

Both the state and federal government are considering changing how they distribute special education funds.

Possible changes at the state level

ODE personnel are in the process of considering changes to the method used to distribute state special education funds. Not all educators agree that a change needs to be made. Proponents of unit funding say that it maintains lower class size and it allows consolidation of services and equipment needs.

Opponents of unit funding argue that it encourages labeling and perhaps misidentification; makes placement in the least restrictive environment less likely; encourages out-of-district placements in small districts; and has a disproportionate impact on districts that must use local funds to pay for units not funded by the state.

Four alternatives to unit funding

The research literature discusses a variety of ways that state special education funds can be allocated to districts. Four of the most commonly mentioned methods are

explained below. Views of proponents and opponents to each funding mechanism are in Appendix E.

Weighted-pupil reimbursement. Each category of student disability is given a weight; a "typical" student is weighted as one. The cost of serving children with particular disabilities is translated into a "weight." The more expensive it is to meet the needs of children with a particular disability, the higher the weight factor is. For example, if a state distributes $1,000 to a district for each non-disabled student, and it costs $4,000 to serve a visually impaired student, then the "weight" of each visually impaired student would be four. Children are identified by disabilities, and then the district is allocated state special education funds based on a formula:

> (Number of children, weighted) x (State allocation for children not identified as disabled).

A panel of experts appointed in response to a court decision on the Perry County equity case (*DeRolph v. State of Ohio*, Perry County Common Pleas Court) is considering proposing a pupil-weighting method for special education funding.

Excess-cost funding. An excess cost formula considers children with disabilities as part of the average daily membership for foundation funding. State funds are distributed for all children, both special and regular education, according to the basic aid formula. A district determines its average per-pupil expenditure for regular education, and then bills the state for special education costs that exceed the district's per-pupil expenditure.

Percentage reimbursement. Percentage reimbursement is similar to excess-cost funding, except that the state only reimburses the district for a predetermined percentage of costs above the regular per-pupil expenditure. It is possible to base the percentage of costs on a district's economic condition.

Flat-rate funding. This method distributes state special education money to districts based only on their total average daily membership. The number of students with disabilities in a district and the kinds of disabilities that those students have does not affect the amount of state special education money the district receives.

Possible changes at the federal level

According to one research group, some reformers urge a change from basing federal funding on numbers of identified children to flat-rate funding. It would be possible to adjust the flat-rate funding based on economic needs of individual states.

Education finance experts disagree about the best way to finance special education. However, they do agree that the closer the funding mechanism is to services provided, and the further away the mechanism is from a disability label, the more likely it is that children will be served in the least restrictive environment. When districts receive more state or federal funds on the basis of services they provide, they increase the services. When they receive money based on numbers of children with specific disabilities, identification of those children becomes more common.

Education finance experts assert that if a state changes its distribution methods, it is probable that the number of children identified as having disabilities will change. For example, a 10-year longitudinal study in Tennessee found that when the Tennessee funding formula was changed from a flat rate to a weighted formula, a significant decrease in less restrictive placements and an increase in more restrictive placements occurred.

In fall, 1993, 18 states recently had changed their methods of special education funding. Twenty-eight additional states currently are considering major changes. Because of a need for more flexible service delivery and the need to eliminate financial barriers to providing least restrictive environments, seven of the 18 states with recent changes are in the process of changing their distribution methods once again.

CHAPTER III
LEAST RESTRICTIVE ENVIRONMENT/INCLUSION

The federal provision for educating children with disabilities in the "least restrictive environment" states:

> To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled. [34 CFR 300.550(b)(1)]

In 1992, fewer than 35% of children with disabilities in this country received most of their services in regular classroom settings. Their teachers hold different certificates valid only for serving particular types of children.

In the 1970s, the common term for educating children with disabilities with their nondisabled peers was "integration." By the 1980s, "mainstreaming" was the common term. This often referred to having some special education children in the regular classroom for part of the school day, typically for art and music classes. In the 1990s, the effort to bring more children with disabilities into the regular classroom for all subject areas is called "inclusion," and is a hotly debated topic. The status of inclusion in Ohio and other states is described in Appendix F.

Because there is no legal definition, in this report "inclusion" is used to mean keeping children with disabilities in the regular classroom and bringing the support services to the children, rather than taking the children to the support services.

Proponents and opponents of inclusion

Many of the arguments about inclusion refer to "full inclusion" - a blanket policy for including all children with disabilities in regular classrooms all of the time. Some believe full inclusion is the only interpretation of the requirement for the least restrictive environment. For example, the United Cerebral Palsy Association and its affiliate organizations support the goal of "full inclusion of individuals with disabilities...regardless of the severity of the disability."

On the contrary, opponents of inclusion primarily oppose "full" inclusion and believe inclusion should remain as one option for placing children with disabilities. Opponents of full inclusion say that the reason children with disabilities were "pulled out" of the regular classroom was because they could not be served or it was not the best place for them to reach their potential. Some feel that implementing full inclusion would be an infraction of the federal law mandating evaluations and placements on an individual basis.

The American Federation of Teachers polled its members and found that the majority of classroom teachers oppose full inclusion. Their data show that 77% of those teachers oppose "wholesale inclusion" of special education students into regular classrooms and 59% believe their school should not increase the extent to which it now includes special education students in regular classes.

Outcomes of Inclusion

A number of outcomes are possible as a result of including children with disabilities in regular classroom settings. Some of these outcomes and the positive and negative aspects of each are described below.

Exposure to diversity

Positive. Children who are educated in inclusionary schools gain an understanding of the range of human experiences. By interacting with children with disabilities, nondisabled children become more accepting of diversity and learn to appreciate others' abilities, as opposed to focussing on their limitations.

Negative. Without a conscious effort to foster positive attitudes, inclusion reinforces social stratification and stereotyping if children do not learn to appreciate one another.

Preparation for the future

Positive. All students have role models in schools where inclusion is practiced. For example, the children with disabilities learn from their nondisabled peers about behavior, competition, and interactions in typical school settings, and the nondisabled learn about having a disability.

One researcher suggests that as a result of advancements in medical science, most people will eventually either be disabled or be routinely exposed to someone with a disability. Experience from a young age with children with disabilities is preparation for the future.

Negative. Some parents and teachers believe there are children with disabilities who do not belong in the regular classroom. These children require so much individualized attention for both academic and medical needs that their presence has a negative impact on the classroom. As a result, nondisabled children may have negative feelings about future interactions with people with disabilities.

Academic experiences

Positive. Children with disabilities who are educated in inclusive environments are exposed to the same staff, resources, and situations as children without disabilities. Children without disabilities receive more individualized instruction from the increased staffing in some inclusionary models. For example, when special and regular education teachers share a classroom, the two adults give more students one-on-one attention.

Disabled children in regular classrooms often are held to higher academic standards than those in segregated settings. Some sources report that nondisabled children benefit from the opportunities to engage in group learning sessions where one student helps another. Peer tutoring programs have become increasingly popular as children with disabilities are integrated into classrooms with their nondisabled peers.

In Ohio's research with inclusion, ODE reports improved student achievement for children with disabilities. In a Delaware study of programs in which regular and special education teachers collaboratively taught integrated classes, nondisabled students had the greatest gains in academic achievement.

Negative. Having two adults in the same classroom may also yield some negative effects. Recruiting and maintaining

competent teachers in the complicated and overwhelming environment where inclusion is being implemented can be a challenge for school districts. Furthermore, some sources report that special education teachers who previously had their own classrooms need training to work in the classroom of another teacher.

The parents of nondisabled children worry about inclusion and its effects on the education of their children. Some children with disabilities may require more attention and resources and deprive nondisabled children of some of those resources, therefore causing a drop in achievement, loss of interest in school, and possible discipline problems. Some researchers and parents are concerned about schools' abilities to maintain high standards for the nondisabled students if children with disabilities are included in the regular classrooms.

Social and behavioral outcomes

Positive. Of particular importance to children with disabilities and their parents are the opportunities for structured and casual interactions with their nondisabled peers. The regular classroom holds children with disabilities to higher standards for routine social behavior. If a child with disabilities is in a classroom with nondisabled children the majority, or perhaps even all of the time, that child may learn to model some of the behaviors of her nondisabled peers. She would then have an easier time following the structure the teacher establishes for the classroom and the generally accepted social norms and habits.

In a segregated setting, teachers are sometimes more tolerant of behaviors, such as rocking back in forth in one's seat or humming while working independently, that are not acceptable elsewhere.

Negative. The National Association of State Boards of Education reports that about 9% of the nation's children who are receiving special education services have serious emotional disturbances. Inclusive schools considering how best to serve these children face a tremendous challenge. Although many advocates of inclusion state that "good behavior is contagious," some claim the positive effects of role modeling are overstated. Parents and teachers worry that when children with disabilities are included in regular classrooms, negative behaviors can be modeled as well.

Research shows many children with disabilities do not have the necessary skills to benefit from modeling. They do not retain what they have observed or do not know when to produce a particular behavior.

Teachers report concerns about discipline issues. Some children pose dangers to themselves, teachers, or other students if they are placed in regular classrooms. Others, particularly those with emotional and behavioral disorders, would benefit more from the structured and predictable environment of a segregated special education classroom than they would from a regular classroom. Some children with severe disabilities may need a separate school organized to serve their needs for physical therapy and life skills training.

Concerns about whether discipline policies, detention, suspensions, and expulsions are applied equally to children with and without disabilities also exist. Federal regulations and the courts forbid removal of children with disabilities from their schools for disciplinary action for more than 10 days in an academic year. In Ohio, nondisabled children may be expelled for 80 days in an academic year.

Effects on schools and districts

Positive. According to some advocates, inclusion can provide a financial benefit to school systems because it can result in a more cost-effective system. Savings are accrued through reduced transportation costs, placement of regular and special education programs in the same buildings, consolidation of the administrative responsibilities for both regular and special education, more efficient use of educational and remedial services, shared curriculum materials, and availability of peer tutors.

Negative. Other sources indicate that although inclusion may be more cost effective once it is "up and running," the costs of preparing for inclusion would initially be very high. In addition, the time of many different individuals is required for the evaluation and formulation of each IEP. Inclusion may involve more people in those meetings because placing children with disabilities in regular classrooms would require more detailed explanations of support services, and more specific evaluations of the extent to which the child is included in all routine classroom activities. Many principals and superintendents note the tremendous amount of paperwork associated with meeting the requirements for providing special education as a problem; inclusion may increase that paperwork.

Building accessibility may be a challenge in districts that want to create an inclusive environment. For example, beyond having adequate and appropriate classroom facilities and staff, districts may also need to consider adding elevators and other special modifications, such as railings, modified drinking fountains, or ramps to every building.

Inclusion as an Option

The majority of literature reviewed by LOEO advocates inclusion as one of a continuum of possible placements, and not a blanket policy for educating all children with disabilities.

Having a continuum of placements available is particularly important in light of the varying needs of children school districts are required to serve. Because special education can include such a broad range of services--from speech and occupational therapy to adapted computer use for quadriplegics--it is important to review each case individually, as the federal law mandates.

Inclusion works best with support

Research literature shows that inclusion works best when there are appropriate support staff and resources available. Massachusetts reports that it has implemented successful inclusion programs across the state through professional development activities, reallocation of resources, and the examination of the overall service delivery system. These steps have helped to create an atmosphere that makes inclusion not only possible but also positive. In addition, the research in Massachusetts identifies that principals must be receptive and supportive of the idea and there must be flexible administrative policies to handle new situations as they arise.

Among the specific practices that foster inclusion are:

Access to school buildings. Building accessibility is a necessary consideration as districts plan to include children with

disabilities in their regular classrooms and schools. This is one of the aspects of inclusion for which planning is imperative.

Access to necessary resources. Appropriate support staff and materials to plan for specific classroom activities are among the resources that help teachers understand the needs of children with disabilities as well as the reactions of nondisabled children to inclusion.

Common planning time. This involves rearranging the class periods of the school schedule so that regular and special education teachers, as well as aides, the school nurse, social workers, and psychologists have time to discuss lesson plans and create educational opportunities to benefit all students.

Staff training. Regular education teachers have more success with inclusion if they receive appropriate, ongoing technical assistance from special education and support personnel. Among the most common supplementary aids and services are consultation and teacher training. For example, a teacher with a visually impaired child in his class for the first time may need initial guidance in how to arrange the classroom and may need continuing suggestions on how to adapt lesson plans.

Attitudes. For inclusion to work successfully, teachers should be supportive of the idea, open to change, and understand why inclusion is being implemented and why their training is important. Attitudes toward change often have a "trickle down" effect in schools, and if the adults are accepting of changes, the children may follow with little resistance and more enthusiasm.

An Example of Successful Inclusion

Katie, a first-grader with a visual impairment, physical disabilities, and an intellectual disability, was included in a regular classroom led by one teacher and one teaching assistant. In addition, Katie worked with a special education teacher for at least one hour each day. Her educational goals included using her vision more effectively and improving her motor functions. Teachers, administrators, and parents of nondisabled children noted the positive effects of including Katie in the classroom. She performed at a higher level than she had in her former special education class. In addition, her classmates became more effective communicators as they interacted with Katie, and described to others what they had learned from their experience with inclusion. At the end of the school year, many parents of children in Katie's class requested their children be in her class again for the second grade. (December/January 1995, Educational Leadership)

Teacher representation. This is vital to decision making at local, regional, and state levels on policies involving inclusion, and can contribute to the success of inclusive models. Some sources reported that because decisions about inclusion or placements in general have usually been made by politicians, judges, or lawyers, it is important for teachers and administrators to be informed and understand how to become involved in decision making. This requires time and has an impact on school scheduling.

Reallocation of resources. When including children with disabilities in regular classrooms and schools, there can be additional costs. For example, maintaining modified equipment and facilities in five classrooms within a school building, instead of in one central location can be more expensive. Assigning aides to five classrooms in a

district in order to help the included children can be more expensive than having one classroom with aide support.

Inclusion without support

As noted in the previous chapter, some school districts are able to pay for more support services for children with disabilities than other school districts. This can have two different effects on how students are placed. A district with very limited funds may place a student in a state-funded unit whether or not this is the best placement for the child.

For example, if a district has a state-funded unit for children with mental retardation, it may automatically assign any child with this condition to that unit, even if a particular child may be able to function in a regular classroom with support services. This is a violation of federal law, which requires an evaluation and development of a plan without limiting services or placement options. However, the U.S. Department of Education reports that it is not uncommon for routine reviews of states to reveal such practices.

Another way a district with limited funds could respond would be to place children in the regular classroom but not provide the necessary support services. This can have a negative impact on everyone involved. For example, if a medically fragile or emotionally disturbed child were included in the regular classroom, she could require a great deal of attention and even pose a danger to other students.

The term "medically fragile" refers to children who are dependent upon special equipment or devices for routine bodily functions. They may need catheters, feeding tubes, suctioning, frequent position changes, medication, or blood sugar monitoring. These needs may place unreasonable expectations on regular education teachers who have limited access to support staff. If districts do practice inclusion without the necessary support services, the instructional and non-instructional responsibilities of teachers can become blurred.

Inclusion Without Support

A Texas middle school classroom provides a striking example of the consequences of including a child without the necessary support. A teacher was expected routinely leave her classroom and help a child with disabilities use the bathroom. The teacher was to lift the 70-pound child on and off the toilet, help her with her clothing, carry her back to her wheelchair, and escort her back to the unattended classroom.

The teacher was performing this task when she slipped on the bathroom floor. The child was uninjured, but the teacher hurt her back and twisted her ankle. A week later, the principal reassigned a science aide to help this child go to the bathroom. The aide quit two days later. After 15 days, an aide was hired to help with science classes, assist the vice principal, monitor the lunchroom and halls, be an emergency substitute teacher, and help the one child use the bathroom. For her duties, the aide's annual salary in 1993 was $13,000. (September 1994, Phi Delta Kappan)

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CHAPTER IV
IMPACT OF SPECIAL EDUCATION AND POLICY QUESTIONS

The graduates of the first special education programs implemented under P.L. 94-142 are now adults. Therefore, it may be possible to answer a question posed often by parents, teachers, administrators, and policy makers: **What long-term impact has special education had on its students?** The topic elicits an emotional response and is often not addressed when discussing special education policy. In fact, there is limited research on the long-term impact of special education programs. In this chapter, LOEO summarizes the available research and raises policy questions regarding the future of special education.

There is no explicit expectation that children with disabilities will perform at the same level as their nondisabled peers. However, the comparative research from a national study reports:

- 43% of youth with disabilities attend a post-secondary institution within three to five years after graduation, while 88% of youth in the general population do so within the same time period;
- 57% of youth with disabilities are employed three to five years after graduation, compared to 69% of the general population, and;
- 37% of youth with disabilities live independently three to five years after graduation, compared to 56% of the general population.

Furthermore:

- Children whose needs generate the most costs are the least likely to become employed and independent adults;
- The education programs designed specifically for students with disabilities sometimes do not even keep them in school; and
- Former special education students express overwhelming satisfaction with their lives in terms of friendships, living arrangements, and use of free time.

Policy Questions

The questions in this chapter are among those policy makers and educators will need to consider as they plan for the future of education and anticipate the needs of all children in our schools.

The following five policy questions address the issue of serving children with disabilities. They do not address the issues surrounding the prevention of disabilities or limiting the severity of those disabilities.

1. **What are the long-term goals for special education?**

In 1990, the Ohio Department of Education, with input from various stakeholders, developed a mission statement for special education:

> The mission of special education for students with handicaps is to prepare each of them to be a contributing member of society by

providing high-quality programs, research, and services designed to develop aca\demic, communication, social, citizenship, and career/life skills that lead to independence as adults.

Input from administrators, teachers, parents, and others in Ohio was sought as this mission statement was written. Policy discussions of special education should include whether this is the most appropriate special education goal for Ohio's future.

A further issue is what criteria to use in deciding upon the best goals for special education. Some would argue for fiscal criteria, asking whether special education provides a good return on its financial investment. Others would argue for moral criteria, asking about the ethical implications of limiting or expanding services to children with disabilities.

Until 1976, children with IQs below 70 or who were not toilet-trained, could be legally excluded from school in Ohio. As a result of federal law passed 20 years ago, public schools are required to provide education services to all disabled children. The cost of these services is growing steadily. Policy makers are now faced with fiscal and moral questions regarding the education of children with disabilities.

2. **With limited resources, how can the needs of all students be met?**

The current public policy, as directed by federal mandate, is to serve children with disabilities without regard to cost. As a result, different groups of children compete for limited resources in the public school system. First, the needs of children in regular and special education compete as school districts struggle to comply with federal and state laws. Second, within special education, children who have severe disabilities compete for services with children who have mild disabilities. Third, the special education of gifted children is not guaranteed by federal and state law, so these students compete for state and local resources.

a. **Is it cost effective and good public policy to spend a much higher percentage of education funds on students with disabilities, and the most funds on students with severe disabilities, when it requires a much smaller per pupil dollar amount to help children with mild or no disabilities?**

Children who are not identified as disabled may benefit from additional support services from schools, such as tutoring or reading programs. Yet, additional services for these children are considered after the needs of children with disabilities are met, and they are among the first programs to be eliminated to meet the requirements of children with disabilities.

The Council for Exceptional Children (CEC) reports that many children who are in special education due to mild or moderate disabilities are inadequately served. Because their needs are mild, services for these children may not be considered until after the needs of the more severely disabled children are met. According to the CEC, there may be long-term negative consequences of not serving children with mild disabilities. Statistics indicate higher dropout rates associated with unemployment and criminal activity for these people.

Furthermore, a quandary for policy makers is how funding will affect which children will become independent, contributing members of society and which

will always depend upon the care of a public agency.

b. **At a time when the state and school districts are working to improve schools and meet the Education 2000 goals, how should the needs of gifted children be met?**

Ohio does not require that its 240,000 children who are identified as gifted be served. In fact, less than half of them are currently being served. In FY 1993, the state earmarked about $18 million on educational programs for approximately 120,000 gifted children, as compared to $519 million on the education of 203,528 children with disabilities.

Federal law and Ohio rules guarantee many rights to the parents of children with disabilities. However, when children are identified as gifted, there is no requirement that their parents be notified.

3. **What are the implications of limiting educational services for children with disabilities?**

If children with disabilities are not identified and served by schools so they function at the highest level possible, the costs to society may be greater in the long run. For example, the funds used to help a child learn to read, walk, or feed himself save the greater cost of full-time custodial care over a lifetime. Money spent out of the education budget now may save money from other public sectors in the future.

4. **How can we design a system of education that serves the needs of all children?**

Many critics of special education say that it has evolved as a separate system of education. The special education teachers have separate certificates valid only for educating certain students. The children with disabilities are often served in segregated settings. Special education is governed by separate laws and rules, and is administered separately. How can we meet the unique needs of children with disabilities and yet maintain one system that serves all children and allows them to learn together?

5. **How can we effectively deliver education to children with disabilities if we do not know what is "effective"?**

Although one of ODE's goals for special education calls for evaluation of "special education program effectiveness through special education student outcomes," no data have been or are currently being collected at the direction of ODE in order to ascertain program effectiveness.

There are limited data on the outcomes of special education in Ohio and across the nation. Although the state is identifying children with disabilities, and planning, providing, and paying for their education, there is no agreement on what measures indicate whether these current methods are effective.

Ohio has recently initiated Project Life, a five-year federally funded effort being implemented at five sites across the state. The Ohio Department of Education is one of eight state agencies in Ohio collaborating on this project. The project's mission is to "improve the transition from school to adult life of youth with disabilities," and includes creating a database to track the graduates of special education programs.

This report provides background information and initial questions for a discussion of special education policies. As directed by the Legislative Committee on Education Oversight, LOEO may pursue further issues in special education.

APPENDICES

Appendix A
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APPENDIX B
DUE PROCESS PROCEDURES

The following four steps help parents and school districts resolve any disagreements about the evaluation, Individualized Education Program (IEP), or the placement of a child with disabilities.

1. **Mediation** may be used to resolve differences. It involves parents and the school districts reviewing the child's evaluation results and the IEP. It provides opportunities to share concerns with the district superintendent about the child's evaluation, placement or services. It can result in the appointment of an impartial hearing officer and mediation by the Ohio Department of Education in order to satisfy parents and the school district without going through the due process hearing.

2. An **impartial due process hearing** may be initiated by the parent, the school district where the child lives, or another district or agency which provides services to the child. The hearing officer makes a decision within 45 days. During this time the child remains in his or her current educational placement, unless the parents and the district reach some other agreement.

3. If either party wishes, they may appeal the decision of the hearing officer by asking for a **State Board of Education review**. The Superintendent of Public Instruction then appoints a reviewing officer to review the entire record, insure that all legal procedures were followed, seek additional evidence, if desired, and decide whether to allow oral and written arguments. The reviewing officer issues a final order within 30 days unless an extension has been granted at the request of either party.

4. If either party wishes to appeal this final order, they may file a **court appeal** with the county common pleas or federal district court.

APPENDIX C
COMPLIANCE WITH FEDERAL LAW

As an example of what happens when a state is not in compliance with federal special education laws, the Commonwealth of Virginia is currently awaiting a court ruling. The case involves a child with a disability who has been given a long-term suspension from school. The reason for the child's suspension is not connected with his disability. Virginia's special education plan does not provide for special education services during the time the child is out of school serving the suspension, since there is no causal relationship between his disability and the incident for which the discipline measure was taken.

Virginia officials report that their special education plan has had this restriction for many years and has always been approved by OSEP. However, last year a particular family disagreed with this restriction and took the issue to the federal level. The hearing took place in October 1994 and there had not yet been a ruling by the hearing officer in December 1994. Virginia is currently receiving its federal special education funds. In the meantime, the Virginia Department of Education devised a plan by which local school districts can provide services to children with disabilities who are suspended or expelled and whose disability is not related to the disciplinary action. Because the state has a plan for serving children with disabilities in these circumstances, sources there report they do not expect to lose federal funds.

APPENDIX D

The chart below shows district rankings when LOEO sorted them by percentages of expenditures for instruction that were for special education.

District Rankings

Type of District*	Number of Districts	Percent in Highest Third	Percent in Middle Third	Percent in Lowest Third
Large city, low income	17	94%	6%	0%
Rural, low income	49	84%	14%	2%
City, average income	51	76%	22%	2%
Suburban, average income	78	37%	42%	21%
Rural, average income	271	24%	39%	37%
Suburban, above average income	108	13%	35%	52%
Suburban, very high income	37	5%	18%	76%

*Based on the Ohio Department of Education socio-economic comparison groups.

APPENDIX E
SPECIAL EDUCATION FUNDING DISTRIBUTION METHODS

Ohio and three other states distribute their special education funds using a unit-funding method. Four of the methods used most frequently by other states are flat-rate funding, pupil weighting, excess-cost funding, and percentage reimbursement. Each method has its proponents and opponents, whose arguments are summarized below.

Flat-rate funding

Flat-rate funding distributes state money to districts based on their total Average Daily Membership (ADM).

Proponents argue that:

- It helps some children be better served, outside of the special education system;
- Flat-rate funding minimizes over-identification of children with disabilities; and
- The method can incorporate procedural safeguards, so that children who need services get them.

Opponents of a flat-rate method maintain that:

- A flat-rate method is not fair to states/districts with high incidences of children with disabilities;
- Procedural safeguards are not maintainable without identification and assessment of children, which are not required by flat-rate funding;
- Children with special needs cannot be "protected" unless they are singled out and identified, which is unnecessary for flat-rate funding;
- It diminishes the federal or state role of fostering and promoting special education; and
- It makes fiscal accountability more difficult.

Pupil Weighting

The cost of serving students with particular disabilities is translated into a "weight": The more expensive it is to meet the needs of students with a particular disability, the higher its weight factor is.

Opponents of pupil weighting object to its:

- Forced labeling of children that results in their stigmatization and isolation, and its link to restrictive placements; and
- Encouragement for districts to identify a student as having the most reimbursable disability.

Proponents of pupil weighting state that:

- Weighting eliminates under-identification or misidentification of children in order to accommodate units;
- An additional factor to adjust for wealth of the district could be added to the formula;
- Separation of special education funding and basic aid is preserved;
- Pupil weights reflect differences in the costs of meeting different student needs; and
- Monitoring patterns in district identification of children with disabilities can be used to "keep the districts honest."

Excess-cost funding and percentage reimbursement

A district using excess cost funding determines its average per pupil expenditure for regular education, and then bills the state for special education costs that exceed the district per-pupil expenditure. Percentage reimbursement is similar to excess-cost funding, except that the state only reimburses the

district for a predetermined percentage of costs above the per-pupil expenditure. Excess cost funding and percentage reimbursement have similar advantages and disadvantages.

Proponents cite the following advantages:

- Unit funding and its disadvantages are eliminated;
- These funding methods fit in with any student-centered reform effort. Certain services (resource room, reading tutor, bathroom aide) are eligible for reimbursement, regardless of the "label" or lack of label on the student receiving them. Labeling, and its damaging effects on children, are minimized or eliminated;
- The ability to adjust the percentage of reimbursement to economic need of a district addresses funding equity problems; and
- It is possible to determine a maximum amount per student that the state contributes.

Opponents cite the following problems:

- If a state does not place a cap on total statewide special education spending, or on district spending, the bills to the state can exceed its resources to pay; and
- Determining the percentage of reimbursement creates friction among districts, and between districts and the state.

The following chart lists states using each of these methods.

Funding Mechanism	States Using Each Type
Unit funding	OH, VA, WA, WV
Weighted pupil	AK, AR, AZ, FL, GA, IN, IA, KY, MA, NH, NJ, NM, NY, OK, OR, SC, TX, UT
Excess cost	MD, MI, NB, RI
Percentage reimbursement	CO, CT, LA, ME, MT, ND, VT, WY
Flat rate	AL, CA, DE, IL, KS, MO, NV, NC, PA

APPENDIX F
STATUS OF INCLUSION

Since 1991, the Ohio Department of Education (ODE) has offered school districts the opportunity to implement one of four experimental models for the delivery of special education services. Two of these models are considered inclusionary. Model #1 allows special and regular educators to jointly serve nondisabled children and children with disabilities enrolled full-time in the regular education environment. Model #4 allows special educators to serve children with disabilities as needed, where needed. The special educator may serve as a consultant, a teacher, or a tutor. Because of the success of the 1991 pilot projects, these approaches are now considered service delivery options as long as a district has prior ODE approval.

Results of a two-year study of the service delivery options conducted by the Ohio State University indicate a statistically significant increase in the accomplishment of both academic and social/behavioral IEP objectives for children served in these models. This study also reported that the increase is evident regardless of school level or model type. When teachers working in these models were asked to describe student performance, there was a significant increase in the number of positive teacher reports following model implementation.

The American Federation of Teachers (AFT) reported in 1993 that 12 states were implementing a form of inclusion in all of their districts; 19 states were piloting inclusion plans in some districts or schools; and 12 states were considering or developing plans for wholesale inclusion statewide.

Proposed new teacher standards in Ohio require that teachers first be certified as regular classroom teachers and then become certified to teach special education. The standards are projected by ODE officials to be implemented in 1997. Ohio is also developing new minimum standards for elementary and secondary schools - one set of core standards for all students in the state. Within the standards, there are specific additional sections for gifted, special, and vocational education. ODE officials estimate that these standards will be in final form in fall of 1995. Ohio's revisions of its teacher standards and minimum standards represent an effort to merge what some perceive as separate systems of education.

Committee Comments

LINDA J. FURNEY
Minority Whip

Ohio Senate
11th District
Lucas County (part)

Legislative Office on Education Oversight
March 22, 1995

Comments from Senator Linda J. Furney, Minority Whip, Ohio Senate

From my perspective as a legislator and former teacher, the mission statement for special education developed by the Ohio Department of Education in 1990 - with a few words eliminated - should be the mission for all students in Ohio.

> The mission ~~of special education~~ for students ~~with handicaps~~ is to prepare each of them to be a contributing member of society by providing high-quality programs, research, and services designed to develop academic, citizenship, and career/life skills that lead to independence as adults.

The challenge for all stakeholders is to find ways and resources to achieve the vision for all children, and whether we like it or not, it is a matter of balancing fiscal, moral and ethical considerations. The report from the Legislative Office on Education Oversight "Special Education Issues for Discussion...." provides an excellent basis for beginning the difficult public policy discussions

Making the assumption that we have limited resources for funding all education, we need to rethink the entire delivery of special education services within the context of overall education reform. It is clear to me we cannot continue on the same path we're on-more and more resources dedicated to fewer and fewer students.

The education community-in reality the whole community-has learned a lot and benefited from our special education efforts over the years. It is time to take those lessons and resources and target them for the good of all children. To do so we must do several things.

The first step is to identify what special education services the state requires but which are not in actuality mandated by public law 94-142. Once identified, we must attach a cost to providing that service. With that information we can begin to evaluate the value of the activity with its benefits, My goal would be to find some areas where a special education service could be made available to all students in a more cost efficient way.

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Another step is to ask tough questions about our system--for students requiring the most resources, is the school setting the best location? What do average students lose when so many resources are spent on special education costs?

Lastly, we need to study inclusion much more carefully before we proceed. I believe that the goals of inclusion should first be the goals for average students in education reform. Inclusion for special education students is the end of reform not the beginning.

I look forward to participating in the dialogue about these important issues.